THE FORT ST. GEORGE GAZETTE.

EXTRAORDINARY.

Published by Authority.

No. 12.] MADRAS, FRIDAY, AUGUST 7, 1914. [Price, 6 pice.

POLITICAL DEPARTMENT.

NOTIFICATION.

Ootacamund, August 7, 1914.

No 21.—The following Order in Council is republished for general information:—

AT THE COURT AT BUCKINGHAM PALACE.

THE FOURTH DAY OF AUGUST 1914.

Present:

The King's Most Excellent Majesty in Council.

His Majesty being mindful, now that a state of war exists between this country and Germany, of the recognition accorded to the practice of granting "days of grace" to enemy merchant ships by the Convention relative to the Status of Enemy Merchant Ships at the outbreak of Hostilities, signed at The Hague on the 18th October 1907, and being desirous of lessening, so far as may be practicable, the injury caused by war to peaceful and unsuspecting commerce, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. From and after the publication of this Order no enemy merchant ship shall be allowed to depart, except in accordance with the provisions of this Order, from any British port or from any ports in any Native State in India, or in any of His Majesty's Protectorates, or in any State under His Majesty's protection or in Cyprus.

2. In the event of one of His Majesty's Principal Secretaries of State being satisfied by information reaching him not later than midnight on Friday, the seventh day of August, that the treatment accorded to British merchant ships and their cargoes which at the date of the outbreak of hostilities were in the ports of the enemy or which subsequently entered them is not less favourable than the treatment accorded to enemy merchant ships by articles 3 to 7 of this Order, he shall notify the Lords

Commissioners of His Majesty's Treasury and the Lords Commissioners of the Admiralty accordingly, and public notice thereof shall forthwith be given in the *London Gazette*, and articles 3 to 8 of this Order shall thereupon come into full force and effect.

3. Subject to the provisions of this Order, enemy merchant ships which

(i) at the date of the break of hostilities were in any port in which this Order applies; or

(ii) cleared from their last port before the declaration of war, and, after the outbreak of hostilities, enter a port to which this Order applies, with no knowledge of the war;

shall be allowed up till midnight (Greenwich Mean Time), on Friday, the fourteenth day of August, for loading or unloading their cargoes and for departing from such port:

Provided that such vessels shall not be allowed to ship any contraband of war, and any contraband of war already shipped on such vessels must be discharged.

4. Enemy merchant ships which cleared from their last port before the declaration of war, and which with no knowledge of the war arrive at a port to which this Order applies after the expiry of the time allowed by article 3 for loading or unloading cargo and for departing, and are permitted to enter, may be required to depart either immediately, or within such time as may be considered necessary by the Customs Officer of the port for the unloading of such cargo as they may be required or specially permitted to discharge.

Provided that such vessels may, as a condition of being allowed to discharge cargo, be required to proceed to any other specified British port, and shall there be allowed such time for discharge as the Customs Officer of that port may consider to be necessary.

Provided also that, if any cargo on board such vessel is contraband of war or is requisitioned under article 5 of this Order, she may be required before departure to discharge such cargo within such time as the Customs Officer of the port may consider to be necessary; or she may be required to proceed, if necessary under escort, to any other of the ports specified in article 1 of this Order, and shall there discharge the contraband under the like conditions.

5. His Majesty reserves the right recognized by the said Convention to requisition at any time subject to payment of compensation enemy cargo on board any vessel to which articles 3 and 4 of this Order apply.

6. The privileges accorded by articles 3 and 4 are not to extend to cable ships, or to sea-going ships designed to carry oil fuel, or to ships whose tonnage exceeds 5,000 tons gross, or whose speed is 14 knots or over, regarding which the entries in Lloyd's register shall be conclusive for the purposes of this article. Such vessels will remain liable on adjudication by the Prize Court to detention during the period of the war, or to requisition, in accordance, in either case, with the Convention aforesaid. The said privileges will also not extend to merchant ships which show by their build that they are intended for conversion into warships, as such vessels are outside the scope of the said Convention, and are liable on adjudication by the Prize Court to condemnation as prize.

7. Enemy merchant ships allowed to depart under articles 3 and 4 will be provided with a pass indicating the port to which they are to proceed, and the route they are to follow.

8. A merchant ship which, after receipt of such a pass, does not follow the course indicated therein will be liable to capture.

9. If no information reaches one of His Majesty's Principal Secretaries of State by the day and hour aforementioned to the effect that the treatment accorded to British merchant ships and their cargoes which were in the ports of the enemy at the date of the outbreak of hostilities, or which subsequently entered them, is, in his opinion, not less favourable than that accorded to enemy merchant ships by articles 3 to 8 of this Order, every enemy merchant ship which, on the outbreak of hostilities, was in any port to which this Order applies, and also every enemy merchant ship which cleared from its last port before the declaration of war, but which, with no knowledge of the war, enters a port to which this Order applies, shall, together with the cargo on board thereof, be liable to capture, and shall be brought before the Prize Court forthwith for adjudication.

10. In the event of information reaching one of His Majesty's Principal Secretaries of State that British merchant ships which cleared from their last port before the declaration of war, but are met with by the enemy at sea after the outbreak of hostilities, are allowed to continue their voyage without interference with either the ship or the cargo, or after capture are released with or without proceedings for adjudication in the Prize Court, or are to be detained during the war or requisitioned in lieu of condemnation as prize, he shall notify the Lords Commissioners of the Admiralty accordingly, and shall publish a notification thereof in the *London Gazette*, and in that event, but not otherwise, enemy merchant ships, which cleared from their last port before the declaration of war, and are captured after the outbreak of hostilities and brought before the Prize Courts for adjudication, shall be released or detained or requisitioned in such cases and upon such terms as may be directed in the said notification in the *London Gazette*.

11. Neutral cargo, other than contraband of war, on board an enemy merchant ship which is not allowed to depart from a port to which this Order applies, shall be released.

12. In accordance with the provisions of Chapter III of the Convention relative to certain Restrictions on the Exercise of the Right of Capture in Maritime War, signed at The Hague on the 18th October 1907, an undertaking must, whether the merchant ship is allowed to depart or not, be given in writing by each of the officers and members of the crew of such vessel, who is of enemy nationality, that he will not, after the conclusion of the voyage for which the pass is issued, engage while hostilities last in any service connected with the operation of the war. If any such officer is of neutral nationality, an undertaking must be given in writing that he will not serve, after the conclusion of the voyage for which the pass is issued, on any enemy ship while hostilities last. No undertaking is to be required from members of the crew who are of neutral nationality.

Officers or members of the crew declining to give the undertakings required by this article will be detained as prisoners of war.

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, and all Governors, officers, and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

NOTE TO ARTICLE 3.—Railway Standard time for all Ports in India will be adopted, viz —

India.—5-30 A.M. succeeding the midnight referred to in article 3 of the Order in Council.

Burma.—6-30 A.M. succeeding the midnight referred to in article 3 of the Order in Council.

PROCLAMATION.

No. 22.—The following Proclamation published in a *Gazette of India*, dated 5th August 1914, is republished for general information :—

I, Charles, Baron Hardinge of Penshurst, Governor-General in India and *ex-officio* Vice-Admiral therein, being satisfied thereof by information received by me, do hereby proclaim that war has broken out between His Majesty and Germany.

(Republished by order of the Governor in Council.)

A. BUTTERWORTH,
Ag. Chief Secretary.

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